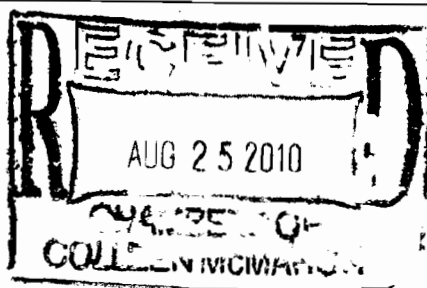


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8/30/10

August 24, 2010

VIA FACSIMILE
(212) 805-6326

Hon. Colleen McMahon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St. Courtroom: 14C
New York, NY 10007-1312

Re: Mohammed Shajan, et al v. Barolo LTD., et al.
Civ No.: 10-CV-1385

Dear Judge McMahon:

We represent Plaintiffs in the above-captioned matter. We write with respect to the Court's Order dated June 6, 2010, conditionally certifying this action as a collective action under the FLSA.

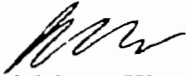
In the Order, in addition to granting Plaintiffs' motion for conditional certification, the Court required: (a) Plaintiffs to identify employees by name or job title who Plaintiffs believe are wrongly participating in the tip pool; (b) Defendants to submit a sworn statement describing these individuals' job duties; and (c) for the parties to schedule a briefing to determine whether these individuals were eligible for tips.

Plaintiffs' respectfully request that the Court postpone the briefing of the matter until after the parties have engaged in full discovery. Plaintiffs believe this is warranted for two reasons: (a) it provides Plaintiffs with the opportunity to fully review documents and conduct depositions relating to this issue prior to briefing it, and (b) it gives the Court an opportunity to consider this matter together with Plaintiffs' other claims for overtime/time shaving, which constitute a significant portion of the damages that Plaintiffs seek.

Plaintiffs have discussed this matter with Defendants' counsel and Defendants' counsel expressed no opposition.

Thank you for your consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maimon Kirschenbaum', written in a cursive style.

Maimon Kirschenbaum

cc: Carolyn Richmond